



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 115-30 – Regulations Governing the Certification of Substance Abuse Counselors
Department of Health Professions
May 26, 2009

Summary of the Proposed Amendments to Regulation

The Board of Counseling (Board) proposes to amend the Regulations Governing the Certification of Substance Abuse Counselors by: 1) removing obsolete terms, 2) adding clarifying language, 3) listing the board-approved organizations for seminars and workshops, 4) repealing the requirement that supervisors submit official transcripts of a high school diploma or general education development certificate, 5) replacing the “face to face” supervision requirement with a requirement for “individual” supervision, 6) amending the experience requirement from “an average of two hours” to “a minimum of one hour and a maximum of four hours per week,” and 7) specifying that reinstatement requires that the applicant submit evidence that a minimum of 20 hours of substance abuse education has been obtained.

Result of Analysis

The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact

Both the proposed and current regulations require that applicants for certification as a substance abuse counselor or substance abuse counseling assistant complete respectively 400 clock hours or 300 clock hours of substance abuse education. Under the current regulations applicants may obtain the education from an accredited university or college or via seminars and workshops to be approved by the Board at the time of application. The Board proposes to list the approved organizations from which seminars and workshops must either be taken from or

approved by to qualify for board-approved education. According to the Department of Health Professions (Department), this is the same list that is currently used in practice by the Board. Thus, this proposed amendment will be beneficial for applicants in that they will not mistakenly waste their time in seminars and workshops that will not be approved by the Board.

The current regulations require that supervisors submit official transcripts of a high school diploma or general education development certificate. Since supervisors must also hold a license or certification issued by the Board, there is little benefit garnered from requiring that a high school diploma or general education development certificate be sent. The Board proposes to no longer require that transcripts be sent. Since obtaining and sending official transcripts involves time costs and postage, this proposal will create a net benefit by reducing cost without affecting the competence of approved supervisors in practice.

Both the proposed and current regulations require 100 hours of supervised experience and that no more than half of those hours may be under group supervision. The current regulations require that there be an average of two hours of face-to-face supervision per week. The Board proposes two changes: 1) “an average of two hours” is converted to “a minimum of one hour and a maximum of four hours,” and 2) “face-to-face” is amended to “individual.” According to the Department, the first change is proposed “so there is some consistency in supervision throughout the supervised experience.” There may be a small cost associated with this change in that it reduces flexibility of schedules, but the Board believes the benefit of consistent supervision over time exceeds that cost. The second change is proposed to allow for the use of modern technology to enable one-to-one supervision with its accompanying benefits without the associated costs of always being physically present in the same room.

The current regulations state that “A person who fails to renew a certificate after one year or more shall apply for reinstatement, pay the reinstatement fee for a lapsed license and *submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.*” The Board proposes to specify that the evidence be a minimum of 20 hours of substance abuse education that is consistent with the course content required for initial certification. According to the Department, this is consistent with what the Board currently requires in practice. Placing this language in regulation will be beneficial in that it will reduce

confusion and reduce the likelihood of inconsistency of treatment of different individuals with similar circumstances.

Businesses and Entities Affected

The proposed amendments affect applicants for substance abuse counselor certification and substance abuse counseling assistant certification, and potentially the current 1597 certified substance abuse counselors and 61 certified substance abuse counseling assistants.¹

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments will not significantly affect the quantity of jobs.

Effects on the Use and Value of Private Property

Private health systems which employ certified substance abuse counselors and certified substance abuse counseling assistants may gain some flexibility in how they assign staff due to the proposal to amend “face-to-face” supervision to “individual” supervision. On the other hand, the proposal to change the requirement for an *average of two hours* of face-to-face supervision per week to a *minimum of one hour and a maximum of four hours* may reduce some flexibility in how they assign staff. Neither change should significantly affect the value of the private health systems.

Small Businesses: Costs and Other Effects

The proposed amendments are unlikely to significantly affect small businesses. Most or all certified substance abuse counselors and certified substance abuse counseling assistants work for public agencies or large health systems.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments are unlikely to significantly affect small businesses.

¹ Data source: Department of Health Professions

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.